

Lon A. Jenkins (4060)
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OFFICE OF THE CHAPTER 13 TRUSTEE
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

In re: HOSSEIN REZAIAN AFAGH MOHAMMADREZA Debtors.	Case No. 12-31819 Chapter 13 Hon. R. Kimball Mosier <i>Hearing September 14, 2016 at 11:00 a.m.</i>
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**TRUSTEE'S RESPONSE TO CREDITORS' MOTION FOR APPROVAL TO ENTER
INTO A LOAN MODIFICATION**

Lon A. Jenkins, Chapter 13 Trustee, by and through counsel, hereby responds to the above-referenced Motion as follows:

1. As of September 6, 2016, the Debtors are current on plan payments.
2. The Motion requests that Creditor be allowed to modify the existing Note and Deed of Trust pursuant to the Loan Modification Agreement between the Debtors and JPMorgan Chase Bank, N.A.
3. The Trustee shall hold in reserve Claim No. 15 filed by JPMorgan Chase Bank, N.A. (Creditor) for three consecutive monthly disbursement cycles (90 days). Creditor is required to file an amended proof of claim reducing the arrearage amount to zero (\$0.00) within 90 days of this order. If no amended proof of claim is filed within 90 days, the

Trustee shall be allowed to resume disbursements on Claim No. 15. As to disbursements made by the Trustee on Claim No. 15 prior to entry of this order and amendment of the claim, the Trustee will not be required to recover such disbursements, and the Trustee will retain any commission under 28 U.S.C. § 586 taken on such disbursements.

4. The Trustee requests that the Debtors file a new amended budget prior to the hearing. It appears that the refinance will lower the Debtors' monthly housing payments by approximately \$205 per month. The Trustee questions whether the Debtors intend to increase plan payments by the difference in disposable income.

5. No attorney's fees were requested in connection with this Motion.

WHEREFORE, the Trustee objects to entry of an Order granting the relief requested in the Motion.

DATED: September 6, 2016.

Tami Gadd-Willardson /s/
TAMI GADD-WILLARDSON
Attorney for Chapter 13 Trustee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing paper was served by ECF (as indicated below) or addressed to the following parties and deposited in the U.S. Mail, first-class postage prepaid, on the 6th day of September, 2016.

JUSTIN O. BURTON
ECF Notification

J. Coyle /s/
Office of the Chapter 13 Trustee